IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34423 of 2007(W)

PETITIONER:

S.PRASANNA KUMARI AMMA,
D/O.SAROJINI AMMA, AGED 50 YEARS,
UMAMAHESWARAM, VALLAMKODE, KALLIYOOR P.O.,
THIRUVANANTHAPURAM.

BY ADV. SMT.PREETHA ANIL RAVEENDRAN

RESPONDENTS:

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1. **THE KERALA STATE,**
   REPRESENTED BY THE DISTRICT COLLECTOR,
   THIRUVANANTHAPURAM.

2. **THE SPECIAL DEPUTY TAHSILDAR (RR),**
   K.S.F.E.LTD., REGIONAL OFFICE,
   THIRUVANANTHAPURAM.

3. **THE ACCOUNTS OFFICER,**
   KSRTC, CHIEF OFFICE,
   TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

BY SRI.T.NAVEEN, SC, K.S.F.E. LTD.
SRI.M.L.SAJEEVAN, SC, K.S.F.E.LTD.
SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 34423 of 2007

Dated this the 26th November, 2007

J U D G M E N T

The petitioner is working as Sweeper cum Scavenger in the office of the 3rd respondent. Apparently, she stood as surety to one Smt. Nabeesath Beevi, at the instance of her husband Peeru Muhammad, who was working as Peon at Central Works, K.S.R.T.C., Pappanamcode at that time. When Nabeesath Beevi wanted to withdraw the amount due to her for a prized chitty conducted by the Pappanamcode Branch of the K.S.F.E. wherein Sri. Peeru Muhammed was the other surety.

2. There was default in re-payment of the chitty. Though some amount had been paid, Peeru Muhammed died in April 2007. Apparently, now steps have been taken to recover an amount of Rs.1,500/- from the salary payable to the petitioner. Petitioner contends that K.S.F.E will be in a position to recover the amounts from the principal debtor who is also one of the legal heirs of Peeru Muhammed, the other surety.

3. I heard the learned counsel for the K.S.R.T.C. I take note of the fact that petitioner's total emoluments is less than Rs.3,500/- per month. This writ petition is disposed of directing respondents 2 and 3 to keep in abeyance any steps for attachment of the salary drawn by the petitioner, for a period of six months from today. In the meanwhile, appropriate steps shall be taken by the K.S.F.E to recover the amounts due from the principal debtor and from the estate of the deceased surety, in accordance with law. I make it clear that this direction need not be taken as exonerating the petitioner from her liability as such and it is intended only to enable the K.S.F.E to explore the possibility of recovering the amount from the principal debtor who also at present happens to be one of the legal heirs of other surety. If recovery from the principal debtor and the surety becomes difficult, it will be open to the K.S.F.E to take appropriate steps against the petitioner as surety, in accordance with law, after the said period of six months.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007